IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
Tomoyuki YAMAMOTO	) Group Art Unit: 2421
	)
Application No.: 10/768,841	)
	) Examiner: Schnurr, John R.
Filed: January 30, 2004	)
	)
For: SYSTEM AND METHOD FOR	) Confirmation No.: 7117
SEARCHING AND PROVIDING	)
CONTENTS, AND SOFTWARE	)
STORAGE MEDIA	)

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P.O. Box 1450
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Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed February 25, 2011, and further to Board

Rule 41.37, Appellants present this brief and enclose fee payments of $540.00 required under 37

C.F.R. § 41.20(b)(2) and $1110.00 for a petition for extension of time of three months. This

Appeal responds to the final rejection of claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81, and

84-88 in the Final Office Action mailed October 25, 2010 and subsequent Notice of Panel

Decision from Pre-Appeal Brief Review mailed April 18, 2011.

If any additional fees are required or if the enclosed payment is insufficient, Appellants

request that the required fees be charged to Deposit Account No. 06-0916.

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I. REAL PARTY IN INTEREST

Sony Corp. is the real party in interest, the assignee of the entire right, title, and interest in the application, as indicated by an Assignment recorded on August 29, 2001 in the parent application No. 09/854,775, now patent No. 6,725,215.

II.   RELATED APPEALS AND INTERFERENCES

There are currently no other appeals or interferences, of which Appellants, Appellants'

legal representative, or Assignee are aware, that will directly affect or be directly affected by or

have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81, and 84-88 are pending in the application and stand rejected. Claims 1-42, 46, 54, 60, 61, 67, 68, 77, 82, and 83 have been cancelled without prejudice or disclaimer of their subject matter.

Appellants appeal the rejection of claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81, and 84-88.

Pursuant to 37 C.F.R. § 41.37(c)(1)(iii) and (viii), Section IX, entitled "Claims Appendix," contains a clean copy of the claims involved in this appeal.

IV.   STATUS OF AMENDMENTS

Appellants filed an Amendment on August 11, 2010, in reply to an Office Action mailed May 11, 2010, and to amend claims 43, 51, 59, and 74.

In reply to a Final Office Action mailed October 25, 2010, Appellants filed a Notice of Appeal with a Pre-Appeal Brief Request for Review on February 25, 2011, without further claim amendments.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

A.   Independent Claim 43

Independent claim 43 recites an apparatus comprising: storing means for storing a

plurality of content items, the plurality of content items including a first content item and a

second content item (*see, e.g.,* page 22, lines 15-25 and page 24, lines 4-13); input means for

receiving a user input from a user (*see, e.g.,* page 26, lines 14-16, Figs. 3 and 4); selection means

for selecting a next replay position by skipping past a current replay position within the first

content item to select the beginning of the second content item (*see, e.g.,* page 30, lines 13-25),

or by jumping from a first position within the first content item immediately subsequent to the

current replay position to a second position within the first content item without accessing

intervening contents between the first position and the second position (*see, e.g.,* page 50, line 29

to page 53, line 9 and Fig. 10); reproducing means for replaying the first content item or the

second content item from the selected next replay position (*see, e.g.,* page 20, lines 1-16); and

display means for displaying an indicator of the current replay position as one of the plurality of

content items is reproduced by the reproducing means (*see, e.g.,* page 20, lines 14-16 and page

60, lines 14-25), wherein the input means comprises a button that performs both of the following

two functions (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3): (1) causing the selection

means to jump from the first position within the first content item immediately subsequent to the

current replay position to the second position without accessing the intervening contents between

the first position and the second position, thereby selecting the second position within the first

content item as the next replay position (*see, e.g.,* page 51, line 26 to page 52, line 12), and (2)

causing the selection means to skip past the current replaying position in the first content item

directly to the beginning of second content item as the next replay position (*see, e.g.,* page 52,

lines 14-24), wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3), and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3).

B.   Independent Claim 51

Independent claim 51 recites a method comprising the steps of: storing a plurality of content items, the plurality of content items including a first content item and a second content item (*see, e.g.,* page 22, lines 15-25 and page 24, lines 4-13); receiving a user input from a user (*see, e.g.,* page 26, lines 14-16, Figs. 3 and 4); selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item (*see, e.g.,* page 30, lines 13-25), or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position (*see, e.g.,* page 50, line 29 to page 53, line 9 and Fig. 10); replaying the first content item or the second content item from the selected next replay position (*see, e.g.,* page 20, lines 1-16); and displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means (*see, e.g.,* page 20, lines 14-16 and page 60, lines 14-25), wherein the user input is received from a button that performs both of the following two functions (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3): (1) jumping from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next

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replay position (*see, e.g.,* page 51, line 26 to page 52, line 12), and (2) skipping past the current

replaying position in the first content item directly to the beginning of second content item as the

next replay position (*see, e.g.,* page 52, lines 14-24), wherein one of function (1) or function (2)

is performed when the button is depressed and held by the user for an amount of time that is less

than a predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3), and the

other of function (1) or function (2) is performed when the button is depressed for an amount of

time that is not less than the predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24,

and Fig. 3).

C.   Independent Claim 59

Independent claim 59 recites a non-transitory computer-readable medium comprising

instructions for causing a processor to execute a method (*see, e.g.,* page 12, lines 6-10), the

method comprising: storing a plurality of content items, the plurality of content items including a

first content item and a second content item (*see, e.g.,* page 22, lines 15-25 and page 24, lines 4-

13); receiving a user input from a user (*see, e.g.,* page 26, lines 14-16, Figs. 3 and 4); selecting a

next replay position by skipping past a current replay position within the first content item to

select the beginning of the second content item (*see, e.g.,* page 30, lines 13-25), or by jumping

from a first position within the first content item immediately subsequent to the current replay

position to a second position within the first content item without accessing intervening contents

between the first position and the second position (*see, e.g.,* page 50, line 29 to page 53, line 9

and Fig. 10); replaying the first content item or the second content item from the selected next

replay position (*see, e.g.,* page 20, lines 1-16); and displaying an indicator of the current replay

position as one of the plurality of content items is reproduced by the reproducing means (*see,

e.g.,* page 20, lines 14-16 and page 60, lines 14-25), wherein the user input is received from a

button that performs both of the following two functions (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3): (1) jumping from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position (*see, e.g.,* page 51, line 26 to page 52, line 12), and (2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position (*see, e.g.,* page 52, lines 14-24), wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3), and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3).

D.   Independent Claim 74

Independent claim 74 recites an apparatus comprising: a storage device configured to store a plurality of content items, the plurality of content items including a first content item and a second content item (*see, e.g.,* page 22, lines 15-25 and page 24, lines 4-13); an input unit configured to receive a user input from a user (*see, e.g.,* page 26, lines 14-16, Figs. 3 and 4); a processor configured to (*see, e.g.,* page 21, lines 6-10): select a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item (*see, e.g.,* page 30, lines 13-25), or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position (*see, e.g.,* page 50, line 29 to page 53, line 9 and Fig. 10); replay the first content

item or the second content item from the selected next replay position (*see, e.g.,* page 20, lines 1-16); and a display configured to display an indicator of the current replay position as one of the plurality of content items is reproduced by the processor (*see, e.g.,* page 20, lines 14-16 and page 60, lines 14-25), wherein the input unit comprises a button that performs both of the following two functions (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3): (1) causing the processor to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position (*see, e.g.,* page 51, line 26 to page 52, line 12), and (2) causing the processor to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position (*see, e.g.,* page 52, lines 14-24), wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3), and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period (*see, e.g.,* page 51, line 26 to page 52, line 24, and Fig. 3).

VI.   GROUNDS OF REJECTION TO BE REVIEWED

Claims 43-45, 48-53, 56-59, 62-66, 69-76, and 79-88 stand rejected under 35 U.S.C.

§ 103(a) as unpatentable over U.S. Patent Application Publication No. 2005/0278771 to Hassell

et al. ("*Hassell*") in view of U.S. Patent Application Publication No. 2003/0088872 to Maissel et

al. ("*Maissel*"), U.S. Patent No. 6,588,015 to Eyer et al. ("*Eyer*"), and U.S. Patent No. 6,807,367

to Durlach ("*Durlach*"); and

Claims 47, 55, and 78 stand rejected under 35 U.S.C. § 103(a) as unpatentable over

Hassell in view of *Maissel*, *Eyer*, and *Durlach*, and further in view of U.S. Patent No. 6,323,911

to Schein et al. ("*Schein*").

VII. ARGUMENT

Each claim of this patent application is separately patentable and, upon issuance of a patent, will be entitled to a separate presumption of validity under 35 U.S.C. § 282. Accordingly, each of claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81, and 84-88 should be considered individually in view of the arguments against the Examiner's rejections.

In the Final Office Action mailed October 25, 2010, the Examiner attempted to establish a *prima facie* case of obviousness by asserting a combination of references to allegedly teach and/or suggest the recitations of Appellants' claims. However, as explained below, the Examiner has not established a *prima facie* case of obviousness.

A.   Legal Standard

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. MPEP § 2142. "A conclusion of obviousness requires that the references(s) relied upon be enabling in that it put the public in possession of the claimed invention." MPEP § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. MPEP § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP § 2141.02(I), internal citations omitted (emphasis in original).

"[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966).... The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." MPEP § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141(III).

In this application, a *prima facie* case of obviousness has not been established because the Examiner has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Examiner has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

B.   Claims 43-45, 48-53, 56-59, 62-66, 69-76, and 79-88

      1.   The rejection of independent claims 43, 51, 59, and 74 under 35 U.S.C. § 103(a) should be reversed.

Hassell, Eyer, and *Durlach*, whether taken separately or in combination, do not disclose or suggest at least the following features recited in Appellants' claim 43:

a button that performs both of the following two functions:

(1) causing the selection means to <u>jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position</u>, thereby selecting the second position within the first content item as the next replay position,

and

(2) causing the selection means to skip past the current replaying

position in the first content item directly to the beginning of second

content item as the next replay position.... (Emphasis added.)

Hassell discloses an interactive television program guide system provided with digital

storage, that allows users to store information associated with recorded programs in a directory

in a digital storage device. *Hassell*, Abstract. However, as conceded on pages 4-5 of the Final

Office Action, *Hassell* fails to disclose a button that performs both selecting a position within

one of the programs and skipping directly to the beginning of another program. Moreover,

Hassell also not teach or suggest "a button that performs both of the following two functions: (1)

causing the selection means to jump from the first position within the first content item

immediately subsequent to the current replay position to the second position without accessing

the intervening contents between the first position and the second position, thereby selecting the

second position within the first content item as the next replay position, and (2) causing the

selection means to skip past the current replaying position in the first content item directly to the

beginning of second content item as the next replay position," as recited in independent claim 43.

Maissel fails to cure the deficiencies of *Hassell*. *Maissel* discloses, "[i]n a digital

television recording method, programs are selected for recording based on analysis of program

schedule information, user preferences, and the priority of previously recorded programs."

Maissel, Abstract. *Maissel* also discloses a "NEXT" button that can be used to browse forward

through the stored programs (*Maissel*, ¶ 368). However, *Maissel* does not disclose that the

"NEXT" button performs two functions analogous to claimed functions (1) and (2). Therefore,

Maissel does not teach or suggest "a button that performs both of the following two functions:

(1) causing the selection means to jump from the first position within the first content item

immediately subsequent to the current replay position to the second position without accessing

the intervening contents between the first position and the second position, thereby selecting the

second position within the first content item as the next replay position, and (2) causing the

selection means to skip past the current replaying position in the first content item directly to the

beginning of second content item as the next replay position," as recited in independent claim 43.

Eyer does not cure the deficiencies of *Hassell* and *Maissel*. For example, *Eyer* discloses

a digital broadcast system that provides interactive features such as skip forward and skip

backward. *See Eyer*, Abstract. *Eyer* further discloses that a FAST FORWARD and a SKIP

button which, may be combined, such that the desired function is achieved by pressing the button

for a "specific duration." *See Eyer*, col. 8, lines 19-24. However, while *Eyer's* FAST

FORWARD function plays subsequent portions of the current track, the FAST FORWARD

function does <u>not</u> jump from one position to another position within the track <u>without accessing</u>

<u>intervening contents between the two positions</u>. *See Eyer*, col. 7, lines 50-58. Rather, as

understood by those skilled in the art, *Eyer's* FAST FORWARD function merely moves through

subsequent positions of the track more quickly than the track would normally play, while going

<u>through</u> each intervening contents between positions within the track. *See Id.*

Therefore, *Eyer* does not teach or suggest "a button that performs both of the following

two functions: (1) causing the selection means to jump from the first position within the first

content item immediately subsequent to the current replay position to the second position

without accessing the intervening contents between the first position and the second position,

thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item

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directly to the beginning of second content item as the next replay position," as recited in independent claim 43.

Durlach fails to cure any of the deficiencies of *Hassell*, *Maissel*, and *Eyer*. For example, *Durlach* discloses a viewing method for progressing through a movie sequence using a dial. *Durlach*, Abstract. *Durlach* also discloses that the movie advances more slowly or more quickly depending on how quickly a user rotates a dial, and a "current location indicator 206" that indicates where the user has advanced to within the movie. *Durlach*, col. 13, lines 1-18 and FIG. S4. However, *Durlach* does not teach or suggest "a button that performs both of the following two functions: (1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position," as recited in independent claim 43.

Thus, *Hassell*, *Maissel*, *Eyer*, and *Durlach*, taken either alone or in combination, do not teach or suggest the above-quoted features of independent claim 43. The Examiner has therefore neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art. Therefore, *Hassell*, *Maissel*, *Eyer*, and *Durlach* do not render Appellants' independent claim 43 obvious under 35 U.S.C. § 103(a), and claim 43 should be allowable and the rejection reversed. Claims 51, 59, and 74, while of different scope, contain recitations similar to those of claim 43, and therefore also allowable for

at least the same reasons as claim 43. Thus, the rejection of claims 51, 59, and 74 should also be reversed.

> **2.   The rejection of claims 44, 45, 48-50, 52, 53, 56-58, 62-66, 69-76, and 79-88 under 35 U.S.C. § 103(a) should be reversed.**

The rejection of dependent claims 44, 45, 48-50, 52, 53, 56-58, 62-66, 69-76, and 79-88 is legally deficient for at least the same reasons set forth above in connection with independent claim 43. Claims 44, 45, 48-50, 52, 53, 56-58, 62-66, 69-76, and 79-88 depend from claim 43, 51, 59, or 74. As already explained, *Hassell, Maissel, Eyer*, and *Durlach* do not support the rejection of claim 43, 51, 59, and 74. Accordingly, for the same reasons set forth above in connection with claim 43, 51, 59, and 74, the rejection of dependent claims 44, 45, 48-50, 52, 53, 56-58, 62-66, 69-76, and 79-88 is also not supported by the cited reference and should be reversed.

> **C.   Claims 47, 55, and 78**

> **1.   The rejection of independent claims 47, 55, and 78 under 35 U.S.C. § 103(a) should be reversed.**

Hassell, Maissel, Eyer, Durlach, and *Schein*, whether taken separately or in combination, do not disclose or suggest at least the above-quoted features recited in Appellants' claims 43, 51, and 74, and required by claims 47, 55, and 78, respectively.

As discussed above, *Hassell, Maissel, Eyer*, and *Durlach* fail to disclose the above-quoted features recited in claim 43. *Schein* does not cure the deficiencies.

Schein discloses a "television schedule system and method" using an "input device [that] allows the viewer to browse through the schedule information area." *Schein*, Abstract. *Schein* also discloses a "local controller" with a "horizontal scroll mechanism for moving the cursor in an 'x' direction or horizontally across the display screen ... buttons 32, 34 can be configured so

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that continuous depression of one button 32, 34 moves the cursor horizontally through a plurality of items." *Schein*, col. 5, lines 45-59. However, *Schein* does not teach or suggest "a button that performs both of the following two functions: (1) causing the selection means to <u>jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position</u>, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position," as recited in independent claim 43, and the similar features of independent claims 51 and 74.

For at least the reasons discussed above, claims 47, 55, and 78 are allowable over the cited references, at least due to its dependence from allowable base claims. The rejection of dependent claims 47, 55, and 78 is therefore not supported by the cited reference and should be reversed.

VIII. CONCLUSION

Appellants respectfully request reversal of the Examiner's rejections, and allowance of claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81, and 84-88.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of

this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due

under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for

an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account

No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 18, 2011   By:___/David W. Hill/_____
                                                David W. Hill
                                                Reg. No. 28,220

IX. CLAIMS APPENDIX

1-42. (Canceled)

43. (Previously Presented) An apparatus comprising:

storing means for storing a plurality of content items, the plurality of content items including a first content item and a second content item;

input means for receiving a user input from a user;

selection means for selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position;

reproducing means for replaying the first content item or the second content item from the selected next replay position; and

display means for displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means,

wherein the input means comprises a button that performs both of the following two functions:

(1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first

content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and

held by the user for an amount of time that is less than a predetermined period, and the other of

function (1) or function (2) is performed when the button is depressed for an amount of time that

is not less than the predetermined period.

44. (Previously Presented) The apparatus according to claim 43, wherein the display

means displays the indicator at the beginning of the second content item when the user skips over

the current replay position within the first content item.

45. (Previously Presented) The apparatus according to claim 43, further comprising a

content classifying means for classifying the stored plurality of content items, in accordance with

a broadcasting time sequence, an order of recommendation rating for the user preference, or a

viewing history of a user.

46. (Canceled)

47. (Previously Presented) The apparatus according to claim 43, further comprising:

current time acquiring means for acquiring a current time; and

calculating means for calculating a change value by comparing the current time with a

scheduled time for the first content item or the second content item, when the user input is

received.

48. (Previously Presented) The apparatus according to claim 43, wherein:

the plurality of content items are programs provided via ground stations, satellite wireless network, or wired network.

49. (Previously Presented) The apparatus according to claim 43, wherein:

the plurality of content items are comprised of visual and sound data.

50. (Previously Presented) The apparatus according to claim 43, wherein:

the plurality of content items are multimedia data or replay application programs.

51. (Previously Presented) A method comprising the steps of:

storing a plurality of content items, the plurality of content items including a first content item and a second content item;

receiving a user input from a user;

selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position;

replaying the first content item or the second content item from the selected next replay position; and

displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means,

wherein the user input is received from a button that performs both of the following two functions:

(1) jumping from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position, and

(2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

52. (Previously Presented) The method according to claim 51, wherein the indicator is displayed at the beginning of the second content item when the user skips over the current replay position within the first content item.

53. (Previously Presented) The method according to claim 51, further comprising the step

of:

classifying the plurality of content items in accordance with a broadcasting time

sequence, an order of recommendation rating for the user preference, or past viewing history of a

user.

54. (Canceled)

55. (Previously Presented) The method according to claim 51, further comprising the

steps of:

acquiring a current time; and

calculating a change value by comparing the current time with a scheduled time for the

first content item or the second content item, when the user input is received.

56. (Previously Presented) The method according to claim 51, wherein:

the plurality of content items are programs provided via ground stations, satellite stations,

wireless network, or wired network.

57. (Previously Presented) The method according to claim 51, wherein:

the plurality of content items are comprised of visual and sound data.

58. (Previously Presented) The method according to claim 51, wherein:

the plurality of content items are multimedia data or replay application programs.

59. (Previously Presented) A non-transitory computer-readable medium comprising instructions for causing a processor to execute a method, the method comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content item;

receiving a user input from a user;

selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position;

replaying the first content item or the second content item from the selected next replay position; and

displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means,

wherein the user input is received from a button that performs both of the following two functions:

(1) jumping from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position, and

(2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

60-61. (Canceled)

62. (Previously Presented) The apparatus according to claim 43, wherein the display means displays the indicator of the current replaying position together with information identifying the content item being currently replayed.

63. (Previously Presented) The apparatus according to claim 43, wherein the indicator of the replaying position is displayed on a horizontal bar on the display means.

64. (Previously Presented) The apparatus according to claim 63, wherein the horizontal bar represents an interval of time within the first content item and the indicator of the replaying position represents a time within the first content item that is currently being replayed.

65. (Previously Presented) The apparatus according to claim 63, wherein the horizontal bar includes a graphical representation of both the first content item and the second content item at a time when only the first content item is being reproduced.

66. (Previously Presented) The apparatus according to claim 63, wherein the horizontal bar is displayed such that the indicator moves to the right as the current replay position moves closer to the end of the first content item.

67-68. (Canceled)

69. (Previously Presented) The method according to claim 51, further comprising displaying the indicator of the current replaying position together with information identifying the content item being currently reproduced.

70. (Previously Presented) The method according to claim 51, wherein the indicator of the replaying position is displayed on a horizontal bar on the display means.

71. (Previously Presented) The method according to claim 70, wherein the horizontal bar represents an interval of time within the first content item and the indicator of the replaying position represents a time within the first content item that is currently being replayed.

72. (Previously Presented) The method according to claim 70, wherein the horizontal bar includes a graphical representation of both the first content item and the second content item at a time when only the first content item is being reproduced.

73. (Previously Presented) The method according to claim 70, wherein the horizontal bar is displayed such that the indicator moves to the right as the current replay position moves closer to the end of the first content item.

74. (Previously Presented) An apparatus comprising:

a storage device configured to store a plurality of content items, the plurality of content items including a first content item and a second content item;

an input unit configured to receive a user input from a user;

a processor configured to:

select a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position;

replay the first content item or the second content item from the selected next replay position; and

a display configured to display an indicator of the current replay position as one of the plurality of content items is reproduced by the processor,

wherein the input unit comprises a button that performs both of the following two functions:

(1) causing the processor to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing

the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the processor to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

75. (Previously Presented) The apparatus according to claim 74, wherein the display is configured to display the indicator at the beginning of the second content item when the user skips over the current replay position within first content item.

76. (Previously Presented) The apparatus according to claim 74, wherein the processor classifies the stored plurality of content items, in accordance with a broadcasting time sequence, an order of recommendation rating for the user preference, or a viewing history of a user.

77. (Canceled)

78. (Previously Presented) The apparatus according to claim 74, wherein the processor acquires a current time and calculates a change value by comparing the current time with a scheduled time for the first content item or the second content item, when the user input is received.

79. (Previously Presented) The apparatus according to claim 74, wherein:

the plurality of content items are programs provided via ground stations, satellite wireless network, or wired network.

80. (Previously Presented) The apparatus according to claim 74, wherein:

the plurality of content items are comprised of visual and sound data.

81. (Previously Presented) The apparatus according to claim 74, wherein:

the plurality of content items are multimedia data or replay application programs.

82-83. (Canceled)

84. (Previously Presented) The apparatus according to claim 74, wherein the display is configured to display the indicator of the current replaying position together with information identifying the content item being currently replayed.

85. (Previously Presented) The apparatus according to claim 74, wherein the indicator of the replaying position is displayed on a horizontal bar on the display.

86. (Previously Presented) The apparatus according to claim 85, wherein the horizontal bar represents an interval of time within the first content item and the indicator of the replaying position represents a time within the first content item that is currently being replayed.

87. (Previously Presented) The apparatus according to claim 85, wherein the horizontal bar includes a graphical representation of both the first content item and the second content item at a time when only the first content item is being reproduced.

88. (Previously Presented) The apparatus according to claim 85, wherein the horizontal bar is displayed such that the indicator moves to the right as the current replay position moves closer to the end of the first content item.

X.   EVIDENCE APPENDIX

None.

XI.   RELATED PROCEEDINGS APPENDIX

None.